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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s):	Wayne Howard Booker, Sr.	Case No:
This plan, dated Sep	tember 11, 2014 , is:	
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated. Date and Time of Modified Plan Confirming Hearing: Place of Modified Plan Confirmation Hearing:	
The Pl	an provisions modified by this filing are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$317,621.00

Total Non-Priority Unsecured Debt: \$51,271.00

Creditors affected by this modification are:

Total Priority Debt: **\$0.00**Total Secured Debt: **\$234,700.00**

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1.	Funding of Plan. The deb	tor(s) propo	se to pay the trustee the sum of \$679.	00 Monthly fo	or 60 months.	Other payments to
	the Trustee are as follows:	NONE .	The total amount to be paid into the	plan is \$ 40,	,740.00 .	

- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 5,000.00 balance due of the total fee of \$ 5,000.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor Type of Priority Estimated Claim Payment and Term
-NONE-

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor

Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term**

-NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately __25_ %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately __20__ %.
- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Wells Fargo Hm	Personal residence at 1528	1,560.00	19,700.00	0%	33 months	Prorata
Mortgag	Selma Lane, Henrico, VA					
	23223					

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular Contract Estin	mated	Interest	Term for	Monthly Arrearage
Creditor -NONE-	Collateral	Contract	arage	Rate	Arrearage	<u>Payment</u>

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	Collateral	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

-NONE-				
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
			Payment	Estimated
			Within	

Monthly

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- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- 10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
 - 1. Payment of Attorney Fees
 - Payment of Attorney Fees and Expenses The claim for attorney fees and expenses shall be paid out of all funds available on first disbursement after confirmation of the plan, and until such claim for attorney fees and expenses is paid in full, except as reserved for adequate protection payments on allowed secured claims (if any), and trustee commissions.

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Signatures:		
Dated: Sept	ember 9, 2014	
	ard Booker, Sr.	/s/ James E. Kane, Esquire
Wayne Howard Debtor	Booker, Sr.	James E. Kane, Esquire 30081 Debtor's Attorney
Debtoi		Dentol 8 Attorney
Exhibits:	Copy of Debtor(s)' Budget (Sche Matrix of Parties Served with Pl	
I certify that on Service List.	September 11, 2014 , I mailed a	Certificate of Service a copy of the foregoing to the creditors and parties in interest on the attached
		nes E. Kane, Esquire
		E. Kane, Esquire 30081
	Signati	ire
	P.O. B	*** * * *
		ond, VA 23218-0508
	Addres	S
	804-22	5-9500
	Teleph	one No.

Ver. 09/17/09 [effective 12/01/09]

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	in this information to identify your of the total wayne How	ase: ard Booker, Sr.							
	btor 2 puse, if filing)	,							
Uni	ited States Bankruptcy Court for the	e: _EASTERN DISTRICT	T OF VIRGINIA						
Ca	se number nown)		-			Check if this is An amend A supplem	ed filing ent showir	ng post-petitio	
0	fficial Form B 6I					MM / DD/		ollowing date.	
S	chedule I: Your Inc	ome				IVIIVI / DD/	1111		12/1
sup spo atta	as complete and accurate as pos plying correct information. If you use. If you are separated and you ch a separate sheet to this form. Describe Employment	are married and not fili Ir spouse is not filing w	ing jointly, and your vith you, do not inclu	spouse ide info	is liv matio	ing with you, inc on about your sp	lude infor ouse. If m	rmation abou nore space is	t your needed,
1.	Fill in your employment information.		Debtor 1			Debtor	2 or non-f	iling spouse	
	If you have more than one job,	Employment status	■ Employed			☐ Emp	,		
	attach a separate page with information about additional		☐ Not employed			☐ Not e	employed		
	employers. Include part-time, seasonal, or	Occupation	Lab Tech						
	self-employed work.	Employer's name	Dupont						
	Occupation may include student or homemaker, if it applies.	Employer's address	5401 Jefferson Richmond, VA 2		lighv	vay			
		How long employed t	there? <u>26 year</u>	's					
Pai	rt 2: Give Details About Mo	nthly Income							
spo	mate monthly income as of the duse unless you are separated.	•		·	,		·	·	J
-	e space, attach a separate sheet to			on for all	Ciripi	yord for that por		iiiles belew. Ii	you noo
						For Debtor 1		btor 2 or ing spouse	
2.	List monthly gross wages, sala deductions). If not paid monthly,	3,		2.	\$	5,581.00	\$	N/A	
3.	Estimate and list monthly over	time pay.		3.	+\$	0.00	+\$	N/A	
4.	Calculate gross Income. Add li	ne 2 + line 3.		4.	\$	5,581.00	\$	N/A	

Deb	tor 1	Wayne Howard Booker, Sr.		Case r	number (<i>if known</i>)		
				For	Debtor 1		otor 2 or ng spouse
	Cop	by line 4 here	4.	\$	5,581.00	\$	N/A
5.	Liet						
5.		t all payroll deductions:	50	¢	1 629 00	c	N/A
	5a. 5b.	Tax, Medicare, and Social Security deductions Mandatory contributions for retirement plans	5a. 5b.	\$ \$	1,628.00 0.00	\$ \$	N/A N/A
	5c.	Voluntary contributions for retirement plans	5c.	\$	325.00	\$	N/A
	5d.	Required repayments of retirement fund loans	5d.	\$	0.00	\$	N/A
	5e.	Insurance	5e.	\$	176.00	\$	N/A
	5f.	Domestic support obligations	5f.	\$	0.00	\$	N/A
	5g.	Union dues	5g.	\$	0.00	\$	N/A
	5h.	Other deductions. Specify:	_ 5h.+	\$	0.00	+ \$	N/A
6.	Add	the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	2,129.00	\$	N/A
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	\$	3,452.00	\$	N/A
8.	List 8a.	t all other income regularly received: Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total					
		monthly net income.	8a.	\$	0.00	\$	N/A
	8b.	Interest and dividends	8b.	\$	0.00	\$	N/A
	8c. 8d. 8e. 8f.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement. Unemployment compensation Social Security Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.	8c. 8d. 8e.	\$ \$	0.00 0.00 0.00	\$ \$	N/A N/A N/A
		Specify:	8f.	\$	0.00	\$	N/A
	8g.	Pension or retirement income	8g.	\$	0.00	\$	N/A
	8h.	Other monthly income. Specify:	_ 8h.+	\$ <u></u>	0.00	+ \$	N/A
9.	Add	d all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	0.00	\$	N/A
10.	Cal	culate monthly income. Add line 7 + line 9.	10. \$	3	3,452.00 + \$	N	//A = \$ 3,452.00
	Add	the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.					
11.	Incl othe Do	te all other regular contributions to the expenses that you list in Schedule ude contributions from an unmarried partner, members of your household, your er friends or relatives. not include any amounts already included in lines 2-10 or amounts that are not ecify:	depen			ed in <i>Sch</i> e	edule J. 11. +\$ 0.00
12.		It the amount in the last column of line 10 to the amount in line 11. The restet that amount on the Summary of Schedules and Statistical Summary of Certallies				a, if it	2. \$ 3,452.00
							Combined monthly income
13.	Do :	you expect an increase or decrease within the year after you file this form No. Yes. Explain:	?				

Official Form B 6I Schedule I: Your Income page 2

EIII-	in this informs	ation to identify y	our casa:						
	III IIIIS IIIIOIIIIa								
Deb	tor 1	Wayne Howa	ard Book	er, Sr.			eck if this is:		
							ū		
	tor 2 buse, if filing)							wing post-petition chapter the following date:	
Unit	ed States Bankr	uptcy Court for the:	EASTE	RN DISTRICT OF VIRGIN	IIA		MM / DD / YYYY		
Cas	e number					П	A separate filing fo	or Debtor 2 because Debto	or
	nown)						2 maintains a sepa		٠.
Of	fficial Fo	rm B 6J							
Sc	chedule	J: Your	_ Expen	ses				12/1	13
Be info	as complete ormation. If m	and accurate as	possible.	If two married people and chanother sheet to this					_
	t 1: Desci	ribe Your House	hold						_
1.									
	■ No. Go to	=.	in a separ	ate household?					
	□ N □ Y	-	st file a sep	parate Schedule J.					
2.	Do you hav	e dependents?	■ No						
	Do not list D and Debtor 2		☐ Yes.	Fill out this information for each dependent	Dependent's relation Debtor 1 or Debtor 2		Dependent's age	Does dependent live with you?	
	Do not state							□ No	
	dependents'	names.						☐ Yes	
								☐ No	
								☐ Yes	
								□ No	
								☐ Yes	
								☐ No	
_	_							☐ Yes	
3.	expenses o yourself and	penses include f people other t d your depende	han nts? □	No Yes					
Est exp	imate your ex		our bankrı	y Expenses uptcy filing date unless y y is filed. If this is a supp					9
the		h assistance an		government assistance i luded it on <i>Schedule I:</i> Y			Your exp	enses	
4.		or home owners		ses for your residence. I	nclude first mortgage	4.	\$	1,556.00	
		•	c ground 0	1 101.					
		ded in line 4:							
		estate taxes				4a.	· -	0.00	
	•	rty, homeowner's	-			4b.	· · · · · · · · · · · · · · · · · · ·	0.00	
				ipkeep expenses		4c.		100.00	
_		owner's associat			mo oquity loops	4d.	·	0.00	
5.	Auditional	nortgage payme	ents for yo	ur residence, such as ho	me equity loans	5.	φ	0.00	

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Debtor 1	Wayne Howard Booker, Sr.	Case num	ber (if known)	
6. Utiliti e	ne:			
	es: Electricity, heat, natural gas	6a.	\$	200.00
	Water, sewer, garbage collection	6b.	\$	56.00
	Telephone, cell phone, Internet, satellite, and cable services	6c.		86.00
	Other. Specify:	6d.	·	0.00
	and housekeeping supplies	 7.		300.00
	care and children's education costs	8.	\$	0.00
	ing, laundry, and dry cleaning	9.	\$	0.00
	onal care products and services	10.	\$	0.00
	cal and dental expenses	11.	\$	105.00
	portation. Include gas, maintenance, bus or train fare.		Ψ	103.00
	t include car payments.	12.	\$	250.00
	tainment, clubs, recreation, newspapers, magazines, and books	13.	\$	0.00
	table contributions and religious donations	14.	\$	0.00
5. Insura	ance.			
Do no	t include insurance deducted from your pay or included in lines 4 or 20.			
	Life insurance	15a.	· —	0.00
15b.	Health insurance	15b.	\$	0.00
	Vehicle insurance	15c.	\$	120.00
15d.	Other insurance. Specify:	15d.	\$	0.00
Taxes	Do not include taxes deducted from your pay or included in lines 4 or 20.			
Specif	•	16.	\$	0.00
	Iment or lease payments:		_	
	Car payments for Vehicle 1	17a.	· —	0.00
	Car payments for Vehicle 2	17b.	· -	0.00
	Other. Specify:	17c.		0.00
	Other. Specify:	17d.	\$	0.00
8. Your	payments of alimony, maintenance, and support that you did not report as	18.	\$	0.00
	ted from your pay on line 5, Schedule I, Your Income (Official Form 6I). payments you make to support others who do not live with you.	10.	\$	0.00
Specif		19.	Ψ	0.00
•	real property expenses not included in lines 4 or 5 of this form or on <i>Sch</i> e		our Income	
	Mortgages on other property	20a.		0.00
	Real estate taxes	20b.	· -	0.00
	Property, homeowner's, or renter's insurance	20c.	·	0.00
	Maintenance, repair, and upkeep expenses	20d.		0.00
	Homeowner's association or condominium dues	20a.	·	0.00
1. Other		206.	·	
i. Other	. Specily		+φ	0.00
2. Your 1	monthly expenses. Add lines 4 through 21.	22.	\$	2,773.00
	esult is your monthly expenses.		-	
	late your monthly net income.			_
	Copy line 12 (your combined monthly income) from Schedule I.	23a.		3,452.00
23b.	Copy your monthly expenses from line 22 above.	23b.	-\$	2,773.00
	Subtract your monthly expenses from your monthly income.	226	¢	679.00
	The result is your monthly net income.	23c.	\$	019.00
For exa modific	ou expect an increase or decrease in your expenses within the year after your ample, do you expect to finish paying for your car loan within the year or do you expect your nation to the terms of your mortgage?			or decrease because of a
■ No				
☐ Ye: Explai				

Argent Federal Credit 11651 Alliance Circle Chester, VA 23831

BCC Financial PO Box 590097 Fort Lauderdale, FL 33359

Capital 1 Bank Attn: General Correspondence Po Box 30285 Salt Lake City, UT 84130

Consolidation Plus 1875 South Grant Suite 400 San Mateo, CA 94402

Continental Emergency Services P.O. Box 848747 Boston, MA 02284

Continental Emergency Services P.O. Box 66064 Dallas, TX 75266

Horizon Financial Management 9980 Georgia Street Crown Point, IN 46307

Memorial Regional Medical Cent P.O. Box 409438 Atlanta, GA 30384

Pmab Srvc 4135 S Stream Blvd Ste 4 Charlotte, NC 28217

Samuel I. White, PC 5040 Corporate Woods Drive Suite 120 Virginia Beach, VA 23462

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Sears/cbna Po Box 6189 Sioux Falls, SD 57117

St. Marys Hospital PO Box 100767 Atlanta, GA 30384

Wells Fargo Hm Mortgag Po Box 10335 Des Moines, IA 50306